

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN DOE,)	CASE NO. 1:22-cv-11540
)	
Plaintiff,)	JUDGE: NATHANIEL M. GORTON
v.)	
)	
MASSACHUSETTS INSTITUTE OF)	
TECHNOLOGY,)	
)	
Defendants.)	

PLAINTIFF'S REPLY TO DEFENDANT'S BRIEF REGARDING PSEUDONYMS

Plaintiff John Doe, (“*John*”) by and through the undersigned counsel, pursuant to the leave granted under this Court’s Order of March 21, 2023, hereby submits his Reply to Defendant’s Response to Plaintiff’s Motion to Continue Under a Pseudonym (the “*Reply*”). *See* Order, ECF No. 36, [non-document] Allowing Plaintiff’s Motion for Leave to File Reply to Defendant’s Brief Regarding Pseudonyms. Through this Reply, John seeks to clarify the parameters of privacy or confidentiality which he has enjoyed in prior proceedings related to the underlying dispute in this matter.

Plaintiff noted in his Motion to Continue Under a Pseudonym that the Parties to the present litigation have previously participated in proceedings filed with the United States Department of Education’s Office for Civil Rights (“*OCR*”). In its Reply to John’s Motion to Continue Under a Pseudonym, MIT implied that John did not have “permission to use a pseudonym” in connection with his OCR complaint. *See* ECF No. 34, Defendant’s Response to Plaintiff’s Motion to Continue Under a Pseudonym, at p. 3. John’s actual complaint submitted to OCR identified him only by a pseudonym, John Doe. *See* Exhibit 1, May 22, 2020, OCR Complaint of John Doe. OCR did not require John’s true name to appear in his complaint, and permitted him to pursue his complaint

pseudonymously. *See id.*

John's true identity was disclosed *to MIT* only pursuant to OCR policies, and John specifically agreed to allow the disclosure of his identity, as necessary, in furtherance of the investigation. This arrangement is apparent in the language of the consent form that John completed in connection with his OCR complaint. Exhibit 2, John Doe's Consent form Submitted to OCR, dated May 26, 2020. This form outlines what information is disclosed in OCR proceedings and what information is not disclosed. *See id.* The consent form permits disclosure of John's true identity only for purposes of furthering "OCR's investigation and enforcement activities." *See Exh. 2*, at p. 2. However, the complaint utilized a pseudonym. *See Exh. 1.*

MIT acknowledges that FERPA and Title IX regulations do provide parties and participants a level confidentiality, but not "anonymity," in connection with university Title IX proceedings. ECF No. 34, Defendant's Response to Plaintiff's Motion to Continue Under a Pseudonym, at p. 3. John pointed out the prior provision of confidentiality during MIT's Title IX process as one of several considerations supporting his present request to proceed under pseudonym. John's identity is not readily available to the public in connection with the prior MIT Title IX proceedings. While "[a]ny of the students involved in [MIT's Title IX]...process, including Jane, could have—and still can—reveal Plaintiff's identity" if they so choose, they have not done so on any broad public scale. *See ECF No. 34, Defendant's Response to Plaintiff's Motion to Continue Under a Pseudonym*, at p. 3-4. John recognizes that FERPA provides him no protection in this lawsuit, which is why John seeks leave of this Court to proceed under a pseudonym.

The pseudonymity that John seeks in connection with this litigation mirrors the

pseudonymity and privacy that was attendant with the prior OCR investigation process and Title IX process at MIT. He seeks to avoid disclosure of his identity on the public docket, while the parties to this litigation are not limited in their knowledge of his identity. John respectfully requests that he be permitted to continue under a pseudonym in the present case.

Dated: March 27, 2023

Respectfully submitted,

/s/ Susan C. Stone

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CERTIFICATE OF SERVICE

I, Susan C. Stone, hereby certify that on this 27th day of March, 2023, a true and correct copy of the foregoing was filed through the ECF System, which will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be served upon anyone indicated as a non-registered participant.

Dated: March 27, 2023

Respectfully submitted,

/s/ Susan C. Stone

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